

Warsameh v. Ashcroft, No. 03-71930

OCT 14 2005

PREGERSON, Circuit Judge, Dissenting:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

The Immigration Judge found Warsameh incredible based on insignificant discrepancies in his testimony. I believe that the minor inconsistencies in Warsameh's testimony cannot support the Immigration Judge's adverse credibility determination. *See Osorio v. INS*, 99 F.3d 928, 931 (9th Cir. 1996). Warsameh gave plausible explanations for all minor inconsistencies in his testimony, *see Garrovillas v. INS*, 156 F.3d 1010, 1014 (9th Cir. 1997), and the discrepancies between his testimony and the information in his Biographical Information Sheet (G-325 Form) are minor, and do not relate to his fear of persecution, *see Bandari v. INS*, 227 F.3d 1160, 1166 (9th Cir. 2000). Finally, the IJ's statements regarding Warsameh's demeanor were speculative and fail to overcome the weight of Warsameh's testimony. *See Salaam v. INS*, 229 F.3d 1234, 1238 (9th Cir. 2000).

In short, the trivial errors in Warsameh's testimony did not "go to the heart of the asylum claim, or reveal anything about [Warsameh's] fear for his safety."

See Mendoza Manimbao v. Ashcroft, 329 F.3d 655, 660 (9th Cir. 2003).

Warsameh's testimony, taken as true, establishes past persecution and a well-founded fear of future persecution. Thus, I would find that Warsameh is eligible for asylum and grant his petition.